

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-cv-24000-BLOOM/Otazo-Reyes

ROTHFOS CORPORATION,

Plaintiff,

v.

H&H COFFEE INVESTMENTS, LLC,

Defendant.

/

ORDER TO SHOW CAUSE REGARDING DIVERSITY JURISDICTION

THIS CAUSE is before the Court upon a *sua sponte* review of the record, which has revealed that the Court's subject matter jurisdiction in this case remains unestablished.

On December 8, 2022, Plaintiff Rothfos Corporation initiated this lawsuit against Defendant H&H Coffee Investments, LLC, based on diversity jurisdiction, 28 U.S.C. § 1332. ECF No. [1]. On December 12, 2022, the Court *sua sponte* dismissed Plaintiff's Complaint for failure to allege the citizenship of Defendant's members. ECF No. [8]; *see Purchasing Power, LLC v. Bluestem Brands, Inc.*, 851 F.3d 1218, 1220 (11th Cir. 2017) ("a limited liability company (LLC) is a citizen of every state that any member is a citizen of.").

Two days later, Plaintiff filed an Amended Complaint, wherein Plaintiff alleges that Alain Piedra Hernandez, a citizen of Florida, is the managing member of Defendant. ECF No. [9] ¶ 7. Plaintiff further alleges that, despite conducting "a diligent inquiry in an attempt to determine whether Defendant has other members," Plaintiff "has been unable to determine and is without knowledge as to whether there are any other members of Defendant[.]" *Id.* ¶ 8.

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Plaintiff has a “duty to establish diversity jurisdiction.” *Purchasing Power*, 851 F.3d at 1226. Although Defendant has not challenged subject matter jurisdiction due to lack of diversity, the Court has “an independent obligation to determine whether subject-matter jurisdiction exists[.]” *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006).

The allegations within the Amended Complaint, in themselves, are insufficient to establish the existence of diversity jurisdiction. The Court allowed Plaintiff to proceed on its Amended Complaint upon the assumption that discovery would quickly reveal whether the parties are, in fact, diverse. It is now time to hold Plaintiff to its burden of establishing diversity jurisdiction. *Purchasing Power*, 851 F.3d at 1226.

Accordingly, it is **ORDERED AND ADJUDGED** that, **on or before June 29, 2023**, Plaintiff shall **SHOW CAUSE** that this case should not be dismissed for lack of subject matter jurisdiction.

DONE AND ORDERED in Chambers at Miami, Florida, on June 20, 2023.



BETH BLOOM
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record